

EXAMINER'S AMENDMENT/COMMENTS

1. This Office action is in response to the reply filed on October 7, 2008 and to the IDS filed on February 5, 2009.
2. Claims 18, 20 through 27, 29 through 31, 33, 34, 36, 37, 39 through 41 are allowable. The restriction requirement between the various species, as set forth in the Office action mailed on July 30, 2007, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claim 42 directed to a previously non-elected species is thus no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. However, claims 1 through 17, 19, and 38, directed to other previously non-elected species withdrawn from consideration without traverse remain withdrawn because these claims do not require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. Thus, this application is in condition for allowance except for the presence of claims 1 through 17, 19, and 38 directed to species previously non-elected without traverse. Accordingly, claims 1 through 17, 19, and 38 are being cancelled, whereas claims 18, 20 through 27, 29 through 31, 33, 34, 36, 37, and

39 through 42 are allowed pending incorporation of the changes set forth via the examiner's amendment appearing below.

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Joseph A. Walkowski, Registration No. 28,765, on April 8, 2009.

5. The application has been amended as follows:

In the claims:

Cancel claims 1 through 17 previously non-elected without traverse.

Claim 18, line 4: Immediately following "adjacent", insert --to and surrounding--.

Claim 18, line 10: Delete "the adjacent side of".

Claim 18, line 11: Delete "the adjacent side of".

Cancel claim 19 previously non-elected without traverse.

Claim 30, line 1: Delete "claim 28" and replace with --claim 18--.

Claim 33, line 4: Immediately following "adjacent", insert --to and surrounding--.

Claim 33, line 10: Delete "the adjacent side of".

Claim 33, line 12: Delete "the adjacent side of".

Cancel claim 38 previously non-elected without traverse.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Cirim whose telephone number is 571-272-4909. The examiner works a flexible schedule, but can normally be reached weekdays between 10:30 a.m. and 6:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ljiljana (Lil) V. Cric/
Primary Examiner, Art Unit 3744